

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 01-0314P

**Individual Income Tax
Calendar Year 2000**

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ISSUE(S)

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty paid with the tax return.

STATEMENT OF FACTS

Taxpayer's representative, in a letter dated November 7, 2001, requested an abatement of the penalty and a refund in the amount of \$464.20 paid with the tax return.

Taxpayer filed its return late with a tax balance due of \$4642 or seventy-one percent (71%) and remitted the tax, penalty, and interest with the return. Taxpayer's representative requests a refund of the penalty because the taxpayer had timely filed an extension through its office. The representative enclosed a copy of the extension which showed the computer generated time and date stamp of April 10, 2001 at 4:14 p.m. The taxpayer, however, did not remit an extension payment.

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DISCUSSION

Taxpayer's representative merely states that it had an extension on file and requests a refund of the penalty remitted with the filing of the tax return.

Taxpayer remitted twenty-nine percent (29%) of its tax by the due date of the return. An extension to file at a later date is not an extension to make a late payment.

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The Department finds the penalty appropriate.

FINDING

Taxpayer's protest is denied.

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